

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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TRUSTEES OF EMPIRE STATE
CARPRENTNERS ANNUITY,
APPRENTICESHIP, LABOR-
MANAGEMENT COOPERATION, PENSION
and WELFARE FUNDS,

ORDER

14-cv-878 (ADS)(SIL)

Plaintiffs,

-against-

LLF CONSTRUCTION SERVICES INC.,

Defendant.

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APPEARANCES:

Virginia & Ambinder, LLP
Attorneys for the Plaintiffs
111 Broadway, Suite 1403
New York, NY 10006

By: Richard B. Epstein, Esq.
Michael H. Isaac, Esq., Of Counsel

NO APPEARANCE:

LLF Construction Services, Inc.

SPATT, District Judge.

On February 7, 2014, the Plaintiffs Trustees of the Empire State Carpenters Annuity, Apprenticeship, Labor-Management Cooperation, Pension and Welfare Funds commenced this action pursuant to Section 502(a)(3) of the Employee Retirement Income Security Act of 1974 (“ERISA”), as amended, 29 U.S.C. § 1132(a)(3); Section 301 of the Labor Management Relations Act of 1947 (“LMRA”), as amended, 29 U.S.C. § 185; and Section 9 of the Federal

Arbitration Act, 9 U.S.C § 9, to confirm and enforce an arbitrator's award rendered pursuant to a collective bargaining agreement entered into between the Northeast Regional Council of Carpenters and Defendant LLF Construction Services, Inc. (the "Defendant").

On May 12, 2014, the Clerk of the Court noted the default of the Defendant.

On May 19, 2014, the Plaintiffs moved for a default judgment against the Defendant.

On May 20, 2014, the Court referred this matter to United States Magistrate Judge William D. Wall for a recommendation as to whether the motion for a default judgment should be granted, and if so, (1) whether damages should be awarded, including reasonable attorneys' fees and costs, and (2) whether any other relief should be granted.

On July 31, 2014, the case was reassigned to United States Magistrate Judge Steven I. Locke.

On December 18, 2014, Judge Locke issued a Report recommending that the Plaintiffs' motion for a default judgment be treated as an unopposed motion for summary judgment. Judge Locke further recommended that the Court confirm the arbitrator's award and that judgment be entered in the total amount of \$6,157.78, comprised of \$2,143.03 in the arbitrator's award, plus attorneys' fees in the amount of \$3,532.50 and costs in the amount of \$482.25.

On January 14, 2015, the Plaintiffs filed an affidavit of service demonstrating that they had served the Report and Recommendation entered on December 18, 2014 on the Defendant.

This Court "may accept, reject, or modify, in whole or in part, the findings or recommendations" of a magistrate judge." 28 U.S.C. § 636(b)(1). There being no objections to the Report and Recommendation, this Court reviews it for "clear error on the face of the record." 28 U.S.C. § 636(b)(1); see Brogden v. Bize, No. 12 CIV. 1204 (WHP), 2014 WL 77479, at *1 (S.D.N.Y. Jan. 8, 2014)(quoting 28 U.S.C. § 636(b)(1)). This Court finds that Judge Locke's

well-reasoned Report and Recommendation is not facially erroneous and therefore adopts it in full.

For the foregoing reasons, it is hereby:

ORDERED, that Judge Locke's Report and Recommendation entered on December 18, 2014 is adopted in its entirety; and it is further

ORDERED, that the Plaintiffs' motion for a default judgment is treated as an unopposed motion for summary judgment and that the motion is granted; and it is further

ORDERED, that the Plaintiffs are awarded the total amount of \$6,157.78, comprised of \$2,143.03 in the arbitrator's award, plus attorneys' fees in the amount of \$3,532.50 and costs in the amount of \$482.25.

The Clerk of the Court is respectfully directed to close this case.

SO ORDERED.

Dated: Central Islip, New York
January 31, 2015

Arthur D. Spatt
ARTHUR D. SPATT
United States District Judge